

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MADIHA MINER,

Plaintiff,

v.

SOCIAL SECURITY ADMINISTRATION
DISABILITY,

Defendant.

CASE NO. C19-0505-JCC

ORDER

This matter comes before the Court on Plaintiff's motion to appoint counsel (Dkt. No. 15). After thoroughly considering the motion and the relevant record, the Court hereby DENIES the motion for the reasons explained herein.

In civil cases, the decision to appoint *pro bono* counsel rests with "the sound discretion of the trial court and is granted only in exceptional circumstances." *Agyeman v. Corrs. Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004) (citing *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984)). "A finding of exceptional circumstances requires an evaluation of both 'the likelihood of success on the merits [and] the ability of the petitioner to articulate his claims *pro se* in light of the complexity of the legal issues involved.'" *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986) (alteration in original) (quoting *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983)).

1 The likelihood of success on the merits in this case is low. Plaintiff's complaint has
2 already been dismissed for failure to state a claim. (Dkt. No. 8.) Plaintiff was given a chance to
3 amend her complaint and failed to timely do so. (*See id.*) Therefore, there is no operative
4 complaint on which Plaintiff may successfully litigate. And the Court cannot find that any
5 difficulty that Plaintiff may have litigating this case is the result of the complexity of the legal
6 issues involved. Therefore, the Court finds that there are no exceptional circumstances in this
7 case that justify appointment of counsel. Plaintiff's motion to appoint counsel (Dkt. No. 15) is
8 DENIED.

9 DATED this 30th day of July 2019.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE